

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SECURITIES AND EXCHANGE
11 COMMISSION,

12 Plaintiff,

13 v.

14 PATH AMERICA, LLC, et al.,

15 Defendants and

16 POTALA SHORELINE, LLC, et al.,

17 Relief Defendants.

CASE NO. C15-1350JLR

THIRTEENTH ORDER
REGARDING FEE
APPLICATIONS

18 Before the court are four quarterly fee applications: (1) the thirteenth interim fee
19 application of Receiver Michael A. Grassmueck ("the Receiver") for \$9,157.00 in fees
20 and \$374.21 in costs (Dkt. # 673); (2) the thirteenth interim fee application of the
21 Receiver's general counsel, Allen Matkins Leck Gamble Mallory & Natsis, LLP ("Allen
22 Matkins"), for \$97,816.05 in fees and \$7,981.51 in costs (Dkt. # 672); (3) the thirteenth

1 interim fee application of Financial Forensics, the Receiver's forensic accountant, for
2 \$2,997.00 in fees (Dkt. # 674); and (4) the tenth interim fee application of Peterson
3 Sullivan LLP, tax accountants for the Receiver, for \$3,122.75 in fees and \$210.40 in
4 costs (Dkt. # 675). As described below, the court GRANTS the fee applications of the
5 Receiver, Allen Matkins, Financial Forensics, and Peterson Sullivan (Dkt. ## 672-75).

6 The Receiver's counsel filed all of the foregoing motions on February 26, 2019,
7 and properly noted them for the court's consideration on March 15, 2019. (*See id.*) Any
8 opposition to the motions was due no later than Monday, March 11, 2019. *See* Local
9 Rules W.D. Wash. LCR 7(d)(3) ("Any opposition papers shall be filed and served no
10 later than the Monday before the noting date."). No party filed an opposition to any of
11 the motions. (*See generally* Dkt.)

12 The court finds that (1) the fees and costs requested in each of the fee applications
13 listed above are reasonable and necessary, (2) the notice of the fee applications was
14 appropriate, (3) the fee applications are made in accordance with the Order Appointing
15 Receiver (*see* OAR (Dkt. # 88) ¶¶ 55-59), and (4) the services provided were of
16 substantial benefit to the Receivership Estate. Each of the foregoing applicants seeks a
17 distribution of only 80% of the approved fees and costs at this time. (*See id.* ¶ 58
18 ("Quarterly Fee Applications may be subject to a holdback in the amount of 20% of the
19 amount of fees and expenses for each application filed with the Court."); *see also* Dkt.
20 # 672 at 2; Dkt. # 673 at 2; Dkt. # 674 at 4; Dkt. # 675 at 4.)

21 //

22 //


Accordingly, the court GRANTS the fee applications (Dkt. ## 672-75) and APPROVES on an interim basis the following application amounts for the period of October 1, 2018, through December 31, 2018:

| Applicant: | Fees: | Costs: | Total Allowed: |
|-------------------------------|-------------|------------|----------------|
| Receiver Michael A. Grassmuck | \$9,157.00 | \$374.21 | \$9,531.21 |
| Allen Matkins | \$97,816.05 | \$7,981.51 | \$105,797.56 |
| Financial Forensics | \$2,997.00 | \$00.00 | \$2,997.00 |
| Peterson Sullivan | \$3,122.75 | \$210.40 | \$3,333.15 |

Finally, the court AUTHORIZES the Receiver to disburse the following percentages of the foregoing approved fees and costs at this time:

- (1) The court AUTHORIZES the Receiver to disburse \$7,624.97 to the Receiver, which is 80% of the approved fees and costs;
- (2) The court AUTHORIZES the Receiver to disburse \$84,638.05 to Allen Matkins, which is 80% of the approved fees and costs;
- (3) The court AUTHORIZES the Receiver to disburse \$2,397.60 to Financial Forensics, which is 80% of the approved fees and costs; and
- (4) The court AUTHORIZES the Receiver to disburse \$2,666.52 to Peterson Sullivan, which is 80% of the approved fees and costs.

Dated this th14 day of March, 2019.


JAMES L. ROBART
United States District Judge